

City of DeBary
CITY COUNCIL MEETING
Wednesday
December 17, 2008
7:00 PM
Florence K. Little Town Hall
12 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call to Order

Mayor Coleman called the meeting to order at 7:00 p.m.

II. Roll Call

Members Present: Mayor George Coleman, Council Member Norman Erickson, Council Member Jack Lenzen, and Council Member Leonard Marks

Members Absent: Vice Mayor Christopher Carson (excused)

Others Present: City Manager Maryann Courson, City Clerk Stacy Tebo, City Attorney Kurt Ardaman

III. Public Participation For Any Issues Not On the Agenda - Citizen comments are limited to three minutes per speaker.

Mike Taranto, 620 Bernasek Drive, stated he was unhappy the Council delayed the stormwater workshop until January. He also voiced his displeasure regarding the recent action of the Council to deny the rezoning request for the DeBary Town Center and Equestrian Park.

Danny Allen, City representative to VGMC, updated the Council on the recent actions of the Commission.

Kris Klimas, representative for Project Hope, explained that Project Hope is funded by FEMA; that their mission is to provide assistance to disaster survivors; that they are available to help anyone affected by Tropical Storm Fay; and that she provided brochures for residents on the back table in the rear of Town Hall.

Van Conoley, 25 Rosedown Boulevard, read aloud a letter dated December 5th that he sent to the city manager regarding agenda scheduling for the first meeting in January.

David Courson, 1476 Enterprise/Osteen Road, said he did not respect Eugene Stump for his recent actions and stated that someone should address the issue.

IV. Approval of Minutes

1. Regular City Council Meeting held September 17, 2008.

Mayor Coleman entertained a motion for approval. Motion made by Council Member Erickson and seconded by Council Member Lenzen. The motion passed unanimously.

V. Additions, Deletions, or Amendments to the Agenda

None.

VI. Presentations

1. Code Enforcement Board Report by Chairman Don Pulver.

Chairman Pulver provided a report to the Council regarding the Board's actions during 2008, and noted that the Board recently created and approved their own by-laws.

The Council thanked Mr. Pulver for his service to the community. Chairman Pulver asked the Council to continue encouraging neighborhoods to take care of themselves and for neighbors to help each other.

VII. Consent Agenda

*Agenda items marked with * are considered routine matters or have been previously discussed by the City Council. All items are considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

None.

VIII. Public Hearings

Members of the Council should disclose for the record the substance of any ex-parte communication that has occurred before or during the public hearings for the following items:

1. Request for Special Exception by the Bacaura Group to Allow an Outside Service Area for a Restaurant Including Outside Service of Alcoholic Beverages and Entertainment at 2 S.US Highway 17-92 in the B-4 (General Commercial) Zoning Classification.

Shalene Estes, planner with GAI Consultants, explained the request from the restaurant to the Council.

Council Member Marks asked if the redevelopment would exceed fifty percent of the assessed value and the total square footage of the building. Ms. Estes answered that the applicant is not changing the building mass or structure; that they are performing interior alterations only; that they are purchasing kitchen equipment; and that they would not exceed the fifty percent limitation in the Land Development Code.

Ms. Estes directed the Council's attention to the parking agreement in the packet. Mr. Ardaman noted a few additions he recommended the Council include if they approved the request.

The applicant, Barry Freeman, explained that her idea for outdoor entertainment might be a jazz duo or an acoustic guitar player on the weekends in the enclosed outside patio area. She stated it would be a full menu with nine entrees, and she has plans for a very nice restaurant. She added that the kitchen equipment alone would cost them approximately \$100,000.

Ms. Courson stated that the total square footage of the building is 11,849 square feet and that the assessed value is \$516,191. She added that the fifty percent threshold discussed by Council Member Marks would only include the building renovations and should not include the

equipment purchased by the applicant because the equipment is not a permanent part of the building.

Mary Shoup Love, 345 McLaren Lane, voiced concern regarding children being in the proximity of the patio area after DeBary Elementary recesses for the day. Ms. Freeman responded that she felt the lunchtime rush would be over by the time that the children would be biking or walking down Highbanks Road.

Mayor Coleman made a motion to approve the special exception with the changes suggested by Mr. Ardaman in the parking agreement. Council Member Erickson seconded. The motion passed unanimously.

IX. Growth Management and Development Review

None.

X. Old Business

None.

XI. New Business

1. Approval of Proposals for Engineering, Permitting, Preparation of Construction Drawings and Survey for Stormwater Bond Projects.

Ms. Courson informed the Council that additional costs have been identified that require Council approval; that St. Johns River Water Management District (SJRWMD) has asked for further information including extensive pollutant loading analysis as a part of the permitting process; and that she requests Council approval in the interest of moving forward with the projects.

Council Member Erickson moved to approve the proposals, and Mayor Coleman seconded. The motion passed unanimously.

2. Discussion of City-Wide FEMA Letter of Map Revision.

Ms. Courson informed the Council that the FEMA maps are updated every ten years, and the earliest FEMA would update the DeBary maps is 2012; that Zone A does not specify an elevation; that this would provide a public service because it provides concrete information to the citizens; and that it would qualify additional residents for the FEMA buyout program because many of the homes that flooded during Tropical Storm Fay were not in the mapped flood plain.

David Hamstra, stormwater engineer with Professional Engineering Consultants, stated that FEMA would officially adopt and approve the maps if the Council approved the item.

The Council decided to discuss the item at a later date.

3. Proposal from Professional Engineering Consultants for Miscellaneous Stormwater Services associated with Tropical Storm Fay.

Ms. Courson stated that there are technical requirements that necessitate the additional stormwater services and recommended a \$50,000 allowance.

Mr. Hamstra stated that \$75,000 would be a more comfortable number, and that they have already expended close to \$50,000. He briefly went through the list of tasks he prepared and noted the ones he had already completed.

Council Member Marks made a motion to approve the proposal up to \$75,000. Council Member Lenzen seconded. The motion passed unanimously.

4. Request for Administrative Future Land Use Map Change – Empire Cattle.

Ms. Courson stated that the request is to determine if the City would support an administrative change to the comprehensive plan.

Mark Watts, representative for Empire Cattle, stated that there was an error in the mapping when the City initially adopted its comprehensive plan; that the Economic Development Advisory Committee discussed the employment center that they had proposed for the property; that the City had previously discussed processing the amendment administratively in 2007; and that they are asking the City now to move forward with the amendment.

There was Council consensus to move forward with the request.

XII. Council Member/Committee/Staff Reports

1. Member Reports/Communications
 - A. Mayor and Council Members

Council Member Lenzen said that Congressman Mica has brought attention to the Bayou project, and the timeline for completion has been drastically reduced due to Mr. Mica's efforts.

Council Member Erickson asked for clarification on telephone calls to city hall during the holidays. Ms. Courson responded that things would function as if it were the weekend.

Council Member Marks requested that a discussion of the Economic Development Advisory Committee be placed on the January 21st agenda.

Mayor Coleman said they have been receiving information on the budget crisis of the schools.

- B. City Attorney

Mr. Ardaman had nothing to report.

- C. City Manager

Ms. Courson said she was planning a special meeting on December 29th for Council to tour the new city hall. She stated that she worked thirty straight days during the storm; that she gave staff comp time for the weekends and holidays that they worked during the storm; and asked the Council if she could do the same for herself. There was Council consensus to approve Ms. Courson's request.

Ms. Tebo stated that although the budget for the Holiday Festival of Lights was reduced, the event was a success. She thanked Ms. Courson for her fundraising efforts to make up for the budget shortfall.

XIII. Adjournment

The meeting adjourned at 9:40 p.m.

**APPROVED March 4, 2009
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk